

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ROSANNA NICODEMO,

Plaintiff,

v.

TCF FINANCIAL CORPORATION
d/b/a TCF Bank, a Delaware corporation,

Defendant.

No. 11 CV 751

Magistrate Judge Kim

JOINT MOTION TO APPROVE SETTLEMENT

By and through their respective attorneys of record, Plaintiff and Defendant jointly move the court to approve their settlement agreement. In support of the motion, the parties states as follows.

1. Plaintiff filed her complaint in the above captioned action on February 1, 2011.
2. The complaint asserts claims for unpaid overtime under the FLSA and Illinois Law.
3. The Defendant denies each and every allegation of wrongful conduct in the complaint and denies that any amounts or other relief are owing to the Plaintiff with respect to her employment with Defendant.
4. However, in order to avoid the time, expense and aggravation associated with protracted litigation, the parties have agreed to a full and final settlement of this action.
5. In order to effectuate a valid and enforceable release of the Plaintiff's claim for unpaid wages under the FLSA and Illinois law, court approval of the settlement agreement is required. *O'Brien v. Encotech Const. Servs., Inc.*, 183 F.Supp.2d 1047

(N.D. Ill. 2002).

6. Submitted as **Exhibit A** (*in camera* only) for inspection is the parties' confidential settlement agreement.

7. Submitted also as **Exhibit B** is a draft order of dismissal.

WHEREFORE, the parties jointly pray that this court will enter the order attached as **Exhibit B**, approving the settlement agreement as a fair and reasonable resolution of a bona fide dispute under the FLSA.

ROSANNA NICODEMO

By: /s/Paul Luka
One of Her Attorneys

DEFENDANT TCF FINANCIAL
CORPORATION d/b/a TCF BANK

By: /s/Julie Badel
One of Its Attorneys

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Exhibit A

(Submitted *in camera* only)

Exhibit B

**IN THE UNITED STATES DISTRICT COURT
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Defendant.

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Magistrate Judge Kim

AGREED ORDER OF DISMISSAL AND APPROVAL OF SETTLEMENT

The matter coming on to be heard on the parties' Joint Motion to Approve Settlement, the parties having agreed that this case has been settled and that all issues and controversies have been resolved to their mutual satisfaction, and the court being advised in the premises, IT IS HEREBY ORDERED:

1. The court approves the settlement agreement attached *in camera* to the parties Joint Motion to Approve Settlement.
2. The parties shall comply with the signed settlement agreement.
3. Under the authority of *Kokkonen v. Guardian Life Ins. Co.*, 511 U.S. 375, 381-82 (1994), the court retains jurisdiction for the sole purpose of enforcing the parties' underlying settlement agreement.

4. This case is dismissed with prejudice and without costs to either party. The parties are barred from relitigating any of the substantive claims released by the parties' settlement agreement.

ENTER: _____
U.S. Magistrate Judge

DATE: _____

AGREED:

/s/ Paul Luka
One of Plaintiff's attorneys

AGREED:

/s/ Julie Badel
One of Defendant's attorneys